

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:06CR403
vs.)	
)	ORDER
STEPHEN SMITH,)	
)	
Defendant.)	

This matter is before the court on defendant's motion for extension of time to file pretrial motions [12].

IT IS ORDERED that defendant's motion [12] is held in abeyance pending compliance with NECrimR 12.1¹. Defendant is given until and including Monday, **February 12, 2007** to file the required waiver.

DATED February 6, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

¹12.1 Motions to Continue Trial.

(a) Content of Motion. Unless excused by the court in individual cases, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial, (see 18 U.S.C. § 3161(h)(8)), or that for some other reason, the continuance will not violate the Speedy Trial Act. Unless excused by the court in individual cases, if the defendant is a moving party the motion shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:

- (1) Was advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.